### UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JORGE A. TORRES JR., on behalf of : CIVIL NO. 3:14-CV-01064

L.V.T.R. and S.R.N.T.R.,

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Petitioners, : (MANNION, D.J.)

(MEHALCHICK, M.J.)

**v.** 

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CYNTHIA RAMIREZ, Case Worker,
And MONROE COUNTY CHILDREN
AND YOUTH SERVICES,

:

Respondents. :

# RESPONSE OF THE DISTRICT ATTORNEY OF MONROE COUNTY, PENNSYLVANIA, TO PETITION FOR WRIT OF HABEAS CORPUS

COMES NOW, Mark S. Matthews, Esquire, Assistant District Attorney of Monroe County, Pennsylvania, and presents his Response to **JORGE A. TORRES JR., on behalf of L.V.T.R. and S.R.N.T.R.,** 's Petition for Writ of Habeas Corpus as follows:

# I. RESPONSE OF THE DISTRICT ATTORNEY OF MONROE COUNTY PURSUANT TO COURT ORDER DATED AUGUST 12, 2014.

- 1. The Monroe County District Attorney's Office is not a named Respondent to the instant Petition for Writ of Habeas Corpus, and believes it lacks standing to file an Answer.
- 2. The Monroe County District Attorney's Office cannot ascertain any motion or petition to join it as a party.
- 3. The Monroe County District Attorney's Office does not represent Cynthia Ramirez, case worker for Monroe County Children and Youth, in either her personal capacity or her official capacity.
- 4. The Monroe County District Attorney's Office does not and cannot represent Monroe County Children and Youth as they are separate governmental agencies.
- 5. Despite a letter (which appears to be a form letter) sent by the Office of the Attorney General requesting that the District Attorney for Monroe County respond because his office was "the best source for personal knowledge of the prosecution and the status of any appeals or collateral attacks concerning this prosecution", the Monroe County District Attorney's Office is unaware of any prosecution of the above named

- Petitioner in association with this case. To the contrary, the District Attorney for Monroe County has not prosecuted Petitioner in any way associated with this case.
- 6. Petitioner does not name the District Attorney for Monroe County as a party, nor does he allege he was ever prosecuted by the District Attorney for Monroe County.
- 7. The District Attorney for Monroe County was never properly served with the Petition for Writ of Habeas Corpus by Petitioner.
- 8. By the plain language of the Court Order dated June 9, 2014, directing only the **Respondents**, to file an answer, motion, or other response, the District Attorney for Monroe County did not believe it was required to respond as it was never properly served with the Petition for Writ of Habeas Corpus by Petitioner; it was never named by Petitioner as a party; there was no pending or prior prosecution of Petition related to this action; it does not represent either of the named Respondents, and was not named as a Respondent.
- 9. To the extent a Response is required, the Monroe County District Attorney's Office files this Response in accordance with the Court Order dated August 12, 2014.
- 10. To the extent an Answer is required, the Monroe County District Attorney's Office is without sufficient knowledge or information to form a belief as to the truth or veracity of any of the allegations contained in the instant Petition for Writ of Habeas Corpus as it was not a party to any of the actions or proceedings involving Petitioner and Respondents in this matter.

WHEREFORE, the Respondent, Mark S. Matthews, Esquire, Assistant District Attorney of Monroe County, Pennsylvania, respectfully files this Response to the instant Petition for Writ of Habeas Corpus.

Respectfully Submitted,

/s/ Mark S. Matthews
Mark S. Matthews, Esquire
Attorney I.D. # 85168
Assistant District Attorney
Monroe County Courthouse
610 Monroe Street, Ste. 126
Stroudsburg, Pennsylvania 18360
(570) 517-3052
Attorney for Commonwealth

# **VERIFICATION**

I, Mark S. Matthews, Esquire, Assistant District Attorney of Monroe County, Pennsylvania, herein verify that the facts set forth in the within Response to Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge, information, and belief. I understand that the statements made herein are subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.

/s/ Mark S. Matthews Mark S. Matthews, Esquire Assistant District Attorney

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CIVIL NO. 3:14-CV-01064

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Petitioners, : (MANNION, D.J.)

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CYNTHIA RAMIREZ, Case Worker, And MONROE COUNTY CHILDREN AND YOUTH SERVICES,

:

Respondents.

### **CERTIFICATE OF SERVICE**

I, Mark S. Matthews, hereby certify that this 20th day of August, 2014, I served a true and correct copy of the foregoing Response to Petition for Writ of Habeas Corpus in regard to the above-captioned matter by first class, United States mail to the following:

JORGE A. TORRES JR., on behalf of L.V.T.R. and S.R.N.T.R., PO Box 830827 Ocala, FL 34483

Date: 8.20-14

Respectfully Submitted,

/s/ Mark S. Matthews
Mark S. Matthews, Esquire
Attorney I.D. # 85168
Assistant District Attorney
Monroe County Courthouse
610 Monroe Street, Ste. 126
Stroudsburg, Pennsylvania 18360
(570) 517-3052
Attorney for Commonwealth